



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

OCT 25 2012

TNG110000  
VMT

Mr. Vojin M. Janjić  
Manager, Permit Section  
Division of Water Resources  
Tennessee Department of Environment and Conservation  
L & C Annex - 6th Floor  
401 Church Street  
Nashville, Tennessee 37243

Dear Mr. Janjić:

In accordance with the Environmental Protection Agency/Tennessee Department of Environment and Conservation (TDEC) Memorandum of Agreement (MOA), we have completed our review of the draft National Pollutant Discharge Elimination System (NPDES) general permit for the Ready Mixed Concrete Facilities (NPDES permit number TNG110000). The draft general permit was received electronically on September 25, 2012. Per the MOA, Section B.5., please consider the enclosed document as our official comments and recommendations. There are various recommendations with regards to the permit, notice of intent document and its instructions, and the rationale. We would appreciate your response to each of these comments.

As per the MOA, Section B6., please provide the EPA the opportunity to review the "proposed final" permit prior to issuance if it differs significantly from this draft or if significant public comments objecting to the draft have been received by TDEC. If you wish to discuss any of these comments or have any questions, please contact Ms. Connie Kagey of my staff at (404) 562-9300.

Sincerely,

Mark J. Nuhfer, Chief  
Municipal and Industrial NPDES Section  
Pollution Control and Implementation Branch  
Water Protection Division

Enclosure

RECEIVED

OCT 25 2012

TNG110000

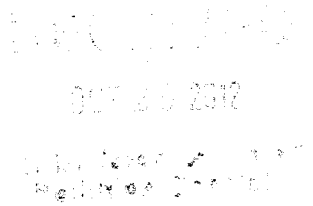


GENERAL PERMIT		
Permit Section	Description, Comment, and Questions (as applicable)	Recommendation(s)
Not applicable Identifier at top of each page of the permit	On top of each page it has "RMCP General Permit" yet this is never defined.	Define the term - "RMCP"
Section 1.2.1. Third paragraph	The meaning of this sentence is unclear (in regards to what is underlined): "However, discharges of this type will be referred to as process wastewater discharges and all permit requirements apply, including Section 1.2.3 for <u>Non-Discharging Treatment Systems Operations.</u> "	Clarify the last portion of this sentence starting at "...including Section 1.2.3..."
Section 1.2.2.	In regards to this sentence: "In addition, this permit shall not apply to discharges to a receiving stream that will result in a significant increased loading of a pollutant that is given as a cause of impairment to the receiving stream."	How is "a significant increase loading" determined? In some cases any increase should not be allowed. For example: If a waterbody is already impaired for siltation, then additional total suspended solids should not be allowed; unless a Total Maximum Daily Load (TMDL) has been developed and the permittee meets the TMDL.  This should be further clarified in the permit and discussed in the rationale.
Section 1.2.3.	Question: If there is a discharge of wastewater from a "non-discharging system" should this not be grounds for violation?	Please respond to the question and clarify the permit, as needed.
Section 1.2.3.(b)	This section appears to be contradictory of requiring "non-discharging systems" when this permit allows discharge that meets the terms of this statement.	Clarify why the systems are called "non-discharging" systems when they may discharge.
Section 1.2.3.(e)	The permit does not describe how it will be determined that the permittee will be in compliance with the "freeboard" provision.	Include some sort of self reporting to TDEC on a regular basis.
Section 1.2.3.(h)		It is recommended that this section be included directly after Section (b) for consistency. It is also recommended that this section mentions Part 6 of the permit (which are the "reporting" requirements).
Section 1.2.4.1.	Does the MS4 also require that washout wastewater reach surface water?	Please respond.
Section 1.2.4.2.	Should the permittee inform TDEC of the "washout sites" prior to any washouts? Why must only "privately owned property" be used as a remote washout site? Could city or public property be used instead?	Clarify for consistency on the Notice of Intent (NOI). Clarify, as needed.
Section 1.2.5. Second sentence	It appears there may be a typographical error.	Clarify this sentence to read: "...support classified uses due to the presence <u>of</u> pollutants."

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Section 1.2.5.3.	Why not make all new or expanding facilities go to “non-discharge” method if this is available, particularly in light of the fact that many TMDLs have been developed and it would require the State to re-evaluate whether a new or expanded facility discharging to waterbodies would still meet the intent of the TMDL?	It is recommended that all new or expanding facilities go to a “non-discharge” system and the permit be revised accordingly.
Section 1.2.6.	It appears that all three bullets of this section must be met, but this is not clear by the requirement of this section.	It is recommended that the word “either” be removed and this section be clarified.  Also, it is recommended that the first bullet be rewritten (as it is unclear what is being stated).
Section 1.2.8.2.		For clarification it is suggested to use “upon” instead of “after” at the end of the first sentence (as written it implies it takes place after the fact when notified): “...Endangered Species Act, the director, <u>upon</u> written notification to the permittee, shall either...”
Section 1.2.8.2.(b)	The sentence “The permittee shall have 60 days after such notice to make such modifications to the wastewater and stormwater runoff treatment methods and control measures, and then 12 weeks to implement these modifications...” is not clear. Are permittees allowed two months to determine what sort of modifications to make and then another three months to make them (for a total of approximately five months)?	Clarify as appropriate.
Section 2.	It is unclear how facilities covered under the General Permit (GP) in effect until October 31, 2012 (expiration of current permit) are covered, since this GP has not been issued. Will all facilities presently covered need to apply after this GP is signed and issued?	Clarify this section.
Section 3.2. (item 2.)	Is this referring to the current GP that expires October 31, 2012?	Clarify, as needed.
Section 3.3		It would be better to cite Section “8.4,” not just “8.4.1” because “8.4” is more inclusive of the certification process and changes to authorization.
Section 4.1	Significant values were not used for maximum pH, iron, and total suspended solids (TSS) (i.e., 50.0 mg/l for TSS).	If needed, require more significant values of iron, TSS, and pH.
	The minimum pH values listed here is different than the rationale.	Clarify as needed.
	Monthly averages for iron and TSS were not included. Even for quarterly sampling, per 40 CFR Section 122.45(d), a monthly average and daily maximum limit shall be applied, unless these are non-continuous discharges.	Include monthly averages for iron and TSS or document the reason for not doing this.

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	It is not clearly documented why the monitoring of iron, TSS, and pH have been reduced to quarterly sampling frequency. The rationale (page 5, item 5.C.) also does not provide a detailed rationale of why less monitoring is being allowed. Is data available to show compliance for all parameters are adequately maintained for all facilities? Recommendation: unless better justification is made, the monitoring frequencies of once per month should be maintained.	It is recommended that monthly monitoring as required in the permit expiring October 2012 be maintained or provide better justification why quarterly monitoring will now be allowed.
	In the permit rationale, the average value for Fe was 0.8 mg/l from the monitoring data of facilities for the previous general permit.	The state should consider lowering the Fe benchmark value of 5 mg/l to better capture this performance.
Section 4.2 Last paragraph	Are facilities supposed to develop or review their Best Management Plans (BMPs) and maintain them on site?	Clarify the permit, as needed, in regards to the development or review of BMPs and maintaining them.
Section 5.	The sampling locations are not clearly defined. The sampling methods are noted later in the document in Section 8.9.4.	For clarity, the correct sampling procedures and locations should be defined in this section. For example: cite 40 CFR part 136 for the correct test methods (or refer to Section 8.9.4. of the permit) and note that effluent locations are "at the end of treatment" prior to mixing with other water.
Section 5.1	In Section 4.1, the permit states that flow measurement should be instantaneous. What information is needed for determining the cross-sectional area? Is it the actual depth of water flow or the whole cross-sectional area? What is the 0.648 number in this equation? Is the friction loss of 80% the same for a rough concrete or a smooth metal surface?	The equation for the flow estimate in Section 5.1 on page 13 needs to be defined in more detail to clarify these questions.
Section 5.2.	Why is there no flow monitoring requirement for stormwater discharge?	Flow monitoring of stormwater outfalls should be required.
	Note that EPA's Multi-Sector General Permit (MSGP) (Sector E) has more stringent benchmark values: Iron is 1 mg/l (instead of 5 mg/l in this permit) TSS is 100 mg/l (instead of 150 mg/l in this permit).  Also the EPA's MSGP has an effluent limit for facilities that have discharges from material storage piles at cement manufacturing facilities. The limit for TSS is 50 mg/l.	Lowering both Fe and TSS benchmark values would be viewed as implementing a technology-based requirement. More stringent stormwater limits should be placed into the permit to be more in line with EPA's MSGP.
	There are no visual assessments required of the stormwater outfalls.	The permit should have a requirement to conduct Quarterly Visual Assessments of Stormwater Discharges.

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Section 5.3		For facilities that exceeded their benchmark or effluent limits, monitoring frequency should increase from quarterly to at least monthly until the discharge is in compliance.
Section 6.1.1.	Discharge Monitoring Reports (DMRs) may not be the type with carbon copies.	Please verify that DMRs with carbon copies are being used; if not, this section should be revised to indicate the original and a copy should be sent to TDEC. This section should also clarify the fact that the DMRs are to be sent to TDEC at the address in Section 6.2 (otherwise, it might go to the field office).
Section 6.3. First sentence	Reference to the “approved analytical methods as specified above” is not located prior to this section.	Typographical correction should be made. One recommendation is to use this wording: “...using approved analytical methods as specified in Section 8.9.4.”
Section 7.1. First bullet	Site map	The site map should also identify the locations of the following (as applicable): <ul style="list-style-type: none"> <li>• bag house or other dust control device</li> <li>• recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater</li> <li>• the areas that drain to the treatment device.</li> </ul>
Section 7.1. Third bullet	The third bullet discusses “toxic or hazardous pollutants.”	Since this bullet discusses “toxic or hazardous pollutants” it is suggested that this be defined somewhere (maybe in the definitions section).
Section 7.1. Fourth bullet	This section references that the permittee is to determine “a reasonable potential for containing significant amounts of pollutants” without defining how to do this.	This section should further clarify how the permittee can determine whether there is “a reasonable potential for containing significant amounts of pollutants.”
Section 7.2.	Stormwater Pollution Prevention Plan (SWPPP) Team member responsibilities.	Each pollution prevention team member should list their individual responsibilities in implementing the SWPPP.

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	Minimum SWPPP appear to be incomplete.	Minimum SWPPP elements should have these industrial sector requirements (see EPA's MSGP sector E). Good housekeeping to prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Consider sweeping regularly or using other equivalent measures to minimize the presence of these materials. Indicate in the SWPPP the frequency of sweeping or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed. The permittee must also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, or buildings, or under other covering.
	<p>The SWPPP does not appear to have the complete certification statement.</p> 	The SWPPP should also have this additional certification statement in their non-stormwater discharge certification. For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-stormwater discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with NPDES requirements or are recycled.
Section 7.2. Last bullet on page 17	How often should the stormwater be tested for the presence of non stormwater discharges?	Clarify how often testing should occur.
	What indices (pollutants) would be used to determine that water is "non-stormwater?"	Clarify how this would be determined.
Section 7.3.	The permittee is to perform semi-annual inspections.	The routine inspections should be conducted at least quarterly instead of semi-annually. Also, the permit has no requirement or procedures for conducting an Annual Comprehensive Site Inspection and this should be included as a permit condition.

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Section 7.4.		The stormwater management programs <u>shall</u> (not “may”) reflect requirements of SPCC. This should be changed for enforceability.
Section 8.1.2.	Are these penalty amounts accurate? The EPA has increased amounts over the years, but the State may not have yet adopted them, thus may not be able to apply them?	Check the penalty amounts that the State may collect and revise the permit if needed.
Section 8.4.	Acute toxicity requirements do not apply to this permit.	Remove the reference to “acute toxicity testing reports” since it does not apply to these facilities.
Section 8.4.2.		There is a typographical error; change “Subpart 8.7” to “Subpart 8.4.”
Section 8.6.1.	In this section, the permittee is allowed one of three options after TDEC notifies them of a violation with three different time periods (60 days, 120 days, and 180 days). The State would have to wait up to 180 days to see if any of the three options were to be chosen. Is this the intent?	Clarify as needed.
Section 8.6.1 Last option	Are the permittees suppose to send any applications for individual permits to the field offices instead of the central office?	If the applications for individual permits are to go to the field offices, please correct this.
Section 8.6.2.		Correct the typographical error: the Environmental Field Offices are listed in Part 11 (not Subpart 1.2)
Section 8.10.	The right of entry by an EPA representative is not included.	Please add the EPA to the right of entry to allow the EPA access to any facility. The standard language used in your individual permits should also be used in this general permit.
Sections 8.12., 8.13., and 8.14.	Notification requirements	Clarification of this section should be done to add specifics where notification is to be sent (central location or field offices).
Section 12.	Is this term “Margin of Safety” needed in the definitions since it does not seem to appear in the permit?	Clarify this section as needed.
	A definition of “Process Wastewater” is not included in the definitions.	It is strongly suggested to include a definition of “Process Wastewater.”
	The definition of stormwater appears to be incorrect	The definition of “Stormwater” should be changed to note that contaminated stormwater is “process wastewater.”
		It is suggested to capitalize “Total Maximum Daily Load.”
After Section 12.	No list of acronyms exists in this permit.	Add a list of acronyms used in this general permit.



NOTICE OF INTENT (NOI) AND INSTRUCTIONS		
NOI Section	Description, Comment, and Questions (as applicable)	Recommendation
Top of NOI	At the top it asks for existing number for permit modification, but not for reissuances.	Clarify this part to ask for the existing number of the previous GP.
Outfall information	Each outfall and receiving stream is not identified in the NOI.	The NOI should require the permittee to list each outfall and receiving stream separately (not just the number of outfalls).
NOI Instructions Under "Complete the form" paragraph	Since the current GP is about to expire (October 31, 2012), and if this permit is effective November 1 (it is not known if the timing of the permit will become November 1), there will not be enough time for permittees to submit the NOI prior to the effective date of the GP – timing could be an issue.	Clarification is needed.
NOI Instructions Under "Permittee Identification/Facility Identification"		It is recommended that this section should also require a map from any existing facility (to ensure no changes have occurred).
NOI Instructions Under "Identify Discharges (Outfalls)"	This paragraph discusses the differences in process wastewater and stormwater – it is not clear if this was adequately included in the actual general permit (and it should be).	Ensure that adequate language is included in the actual permit to differentiate process wastewater and stormwater.
NOI Instructions Under "Submitting the form"	Note that the subsection referenced (8.7) is not the signature requirements for this GP.	Correction is needed.
	It is unclear what is meant by electronic submission.	Clarify how the permittee can submit electronic documentation (e-form with e-signature vs. pdf format of signed form?).

RATIONALE		
Rationale Section	Description, Comment, and Questions (as applicable)	Recommendation
Item 1. First paragraph		It is suggested to add “(RMCP” after “ready mix concrete plants.”
Item 1. Fourth paragraph	The current permit which is about to expire was issued by the Division of Water Pollution.	For clarity it is suggested to note that the “Division of Water Resources” was formerly known as “Division of Water Pollution.”
Item 5.A. Second paragraph	The second sentence should indicate all parameters (not just one).	Correct this sentence to include all parameters: “The division has identified waters that do not meet water quality criteria, the parameters for which the waters to not meet the standards, and the sources of the parameters.”
Item 5.B.	TSS and Iron	As previously noted, these parameters should also contain monthly average limitations as per 40 CFR 122.45(d) (even if less frequent monitoring), unless the discharges from all facilities will be non-continuous dischargers.
	pH There may be a discrepancy with the permit and the rationale; the permit shows 6.5 s.u. for a minimum pH limit; this rationale states it is 6.0 s.u.	Please correct as needed.
	Iron Was consideration given to lowering the iron limit since the data is indicating that the average value of iron was 0.8 mg/L?	As noted earlier, the State should consider lowering the Fe benchmark value of 5 mg/l to better capture this performance.
	Stormwater The stormwater benchmark in the permit for minimum pH is 6.0 s.u., yet this number is listed as 5.0 s.u.	Please correct as needed.
Item 5.C.	Monitoring frequency	As previously noted, it is recommended that the monthly monitoring remain in the permit. There are not that many parameters to measure to begin with and once a month is not that much monitoring for flow, pH, iron, and TSS. Monthly monitoring versus quarterly monitoring will detect any problems earlier.
Item 5.C	Stormwater monitoring	To ensure that this paragraph can be enforced, this narrative should also be included in the permit.
Page 5, Item B. Other Conditions	There is a typographical error.	Other Conditions should be Item <u>D</u> .
Item 6.	Regarding the definition of “process wastewater.”	The first bullet should specifically be described within the context of the permit. As previously noted, giving a clear definition of “process wastewater” will remedy this.